

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

3M Innovative Properties Company
and 3M Purification, Inc.,

Plaintiffs,

v.

Swift Canada and Swift Green Filters Ltd.,

Defendants.

Civ. Action No. 11-cv-02164 (JRT/AJB)

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT

Plaintiffs complain of Defendants and allege as follows:

NATURE OF THIS ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281-285.

THE PARTIES

2. Plaintiff 3M Innovative Properties Company (“3M IPC”) is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Plaintiff 3M Purification, Inc. (“3M Purification”) is a corporation organized and existing under the laws of the state of Delaware, and having its principal place of business at 400 Research Parkway, Meriden, Connecticut 06450.

4. Defendant Swift Canada Inc., upon information and belief, is a corporation organized and existing under the laws of the province of British Columbia, Canada, and having its principal place of business at 150-11938 Bridgeport Road, Richmond, BC, Canada.

5. Defendant Swift Green Filters Ltd. (collectively, with Swift Canada Inc., “Swift”), upon information and belief, is a company organized and existing under the laws of the province of British Columbia, Canada, and having its principal place of business at 150-11938 Bridgeport Road, Richmond, BC, Canada.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. This Court has personal jurisdiction over Swift because, *inter alia*: (1) on information and belief, Swift has targeted and/or concentrated on Minnesota by providing the products at issue in this case to at least one distributor located within the State of Minnesota and by advertising those same products on its website; and (2) under the Minnesota Long Arm Statute, Minn. Stat. § 543.19, Swift transacts business within Minnesota. As such, upon information and belief, Swift has intended to benefit from doing business in the State of Minnesota.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

FIRST CLAIM FOR RELIEF
INFRINGEMENT OF U.S. PATENT NO. 6,027,644

8. On February 22, 2000, United States Patent No. 6,027,644 (“the ‘644 patent”), entitled “Dripless Purification Manifold and Cartridge,” was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the ‘644 patent by assignment. 3M Purification is the exclusive licensee of the ‘644 patent. A true and correct copy of the ‘644 patent is attached as Exhibit A to this Complaint.

9. Swift has been and is directly infringing the '644 patent in this District and elsewhere under 35 U.S.C. § 271(a) by selling and/or offering for sale at least the following products through at least one distributor located in the State of Minnesota: Product No. SGF-G1 and Product No. SGF-M10.

10. Upon information and belief, Swift will continue to infringe the '644 patent unless and until it is enjoined by this Court.

11. Upon information and belief, Swift's infringement of the '644 patent is taking place with knowledge of the '644 patent and is willful. By continuing to commit acts of infringement with full knowledge of the '644 patent, Swift has failed to meet the required standard of care to avoid a finding of willful infringement.

12. Swift has caused and will continue to cause Plaintiffs injury and damage by infringing the '644 patent. Plaintiffs will suffer further injury unless and until Swift is enjoined from infringing the '644 patent.

SECOND CLAIM FOR RELIEF
INFRINGEMENT OF U.S. PATENT NO. 6,193,884

13. On February 27, 2001, United States Patent No. 6,193,884 ("the '884 patent"), entitled "Dripless Purification Manifold and Cartridge," was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the '884 patent by assignment. 3M Purification is the exclusive licensee of the '884 patent. A true and correct copy of the '884 patent is attached as Exhibit B to this Complaint.

14. Swift has been and is directly infringing the '884 patent in this District and elsewhere under 35 U.S.C. § 271(a) by selling and/or offering for sale at least the following products through at least one distributor located in the State of Minnesota: Product No. SGF-G1 and Product No. SGF-M10.

15. Upon information and belief, Swift will continue to infringe the '884 patent unless and until it is enjoined by this Court.

16. Upon information and belief, Swift's infringement of the '884 patent is taking place with knowledge of the '884 patent and is willful. By continuing to commit acts of infringement with full knowledge of the '884 patent, Swift has failed to meet the required standard of care to avoid a finding of willful infringement.

17. Swift has caused and will continue to cause Plaintiffs injury and damage by infringing the '884 patent. Plaintiffs will suffer further injury unless and until Swift is enjoined from infringing the '884 patent.

THIRD CLAIM FOR RELIEF
INFRINGEMENT OF U.S. PATENT NO. 6,632,355

18. On October 14, 2003, United States Patent No. 6,632,355 ("the '355 patent"), entitled "Low Spillage Replaceable Water Filter Assembly," was duly and legally issued by the United States Patent and Trademark Office. 3M IPC owns the '355 patent by assignment. 3M Purification is the exclusive licensee of the '355 patent. A true and correct copy of the '355 patent is attached as Exhibit C to this Complaint.

19. Swift has been and is directly infringing the '355 patent in this District and elsewhere under 35 U.S.C. § 271(a) by selling at least the following products through at least one distributor located in the State of Minnesota: Product No. SGF-G1 and Product No. SGF-M10.

20. Upon information and belief, Swift will continue to infringe the '355 patent unless and until it is enjoined by this Court.

21. Upon information and belief, Swift's infringement of the '355 patent is taking place with knowledge of the '355 patent and is willful. By continuing to commit acts of

infringement with full knowledge of the '355 patent, Swift has failed to meet the required standard of care to avoid a finding of willful infringement.

22. Swift has caused and will continue to cause Plaintiffs injury and damage by infringing the '355 patent. Plaintiffs will suffer further injury unless and until Swift is enjoined from infringing the '355 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- (1) To enter judgment that Swift has infringed the '644, '884, and '355 patents;
- (2) To enter an order permanently enjoining Swift and its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, from infringing the '644, '884, and '355 patents;
- (3) To award 3M IPC and 3M Purification their respective damages in amounts sufficient to compensate them for Swift's infringement of the '644, '884, and '355 patents, together with prejudgment and post judgment interest and costs, pursuant to 35 U.S.C. § 284;
- (4) To award an accounting of all Swift's infringing sales through final judgment;
- (5) To treble the damages awarded to Plaintiffs by reason of Swift's willful infringement of the '644, '884, and '355 patents;
- (6) To declare this case to be "exceptional" under 15 U.S.C. § 1117(a) and 35 U.S.C. § 285 and to award Plaintiffs their attorneys' fees, expenses and costs incurred in this action; and
- (7) To award Plaintiffs such other and further relief as this Court deems just and proper.

JURY TRIAL DEMAND

3M IPC and 3M Purification hereby demand a trial by jury on all issues appropriately triable by a jury.

Dated: August 25, 2011

FISH & RICHARDSON P.C.

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